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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/490,017

01/21/2000

Christopher W Jones

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7590

05/13/2010

CYPRESS SEMICONDUCTOR CORPORATION  
198 CHAMPION COURT  
SAN JOSE, CA 95134-1709

EXAMINER

TRIMMINGS, JOHN P

ART UNIT

PAPER NUMBER

2117

MAIL DATE

DELIVERY MODE

05/13/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/490,017	<b>Applicant(s)</b> JONES, CHRISTOPHER W	
	<b>Examiner</b> JOHN P. TRIMMINGS	<b>Art Unit</b> 2117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/25/07, 2/23/10</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is a first action on merit in response to the applicant's application for Reissue of Patent No. 5764657, which is a CON of US Patent Application 08/660,932 (Abandoned).

Claim 1 was previously allowed, and is recorded in US Patent No. 5764657.

Claims 2-18 are presented as New Claims in this Reissue application dated 1/21/2000.

Claims 1-18 are pending.

### ***Priority***

1. The examiner acknowledges receipt of the applicant's claim of priority to 6/10/1996.

### ***Information Disclosure Statement***

2. The examiner has considered the applicant's IDSs dated 10/25/2007 and 2/23/2010.

### ***Reissue Applications***

3. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

4. The applicant is reminded that 11-1/2 Years of Maintenance Fees is overdue in the parent application, 5764657.

***Claim Objections***

5. Claim 3 is objected to because of the following informalities: Please correct lines 2 and 4 to read, "... having ~~the~~a same state ...", and, "... having ~~the~~a complement state ..." respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a manufactured product, but are not directed to a practical, tangible embodiment of the product with a real world use. Instead, the subject matter relates to "A medium readable by a digital signal processing device...". Many processors are capable of reading off of a medium such as the internet, RF transmitted signals, and other embodiments of well-known non-tangible mediums. The examiner requests that the subject matter be

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amended in claims 17 and 18 to recite for example, “A tangible medium readable by ...”, and “The tangible medium of claim 17 ...”, respectively.

***Allowable Subject Matter***

8. Claims 1-16 are allowed. The following is an examiner’s statement of reasons for allowance: As to the independent claims 1 and 6, the prior arts have disclosed a method, based on a pattern generator comprising a sequence generator outputting a serial sequence of bits and a plurality of bits having a value, a comparator coupled to the generator to compare values to generate results. But the prior arts have failed to further disclose or suggest the unique feature that is claimed in said independent claims wherein, a next bit generator coupled to the comparator and sequence generator receives the comparison result and one of the pluralities of bits, and generates a next bit. Consequently, since the independent claims 1 and 6 are allowed, claims 1-16 are allowed, including dependent claims 2-5 and 7-16. The examiner notes that claim 3 is subject to an objection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crouch, US Patent No. 5383143.

Fujieda, US Patent No. 5390192.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN P. TRIMMINGS whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Ellis can be reached on (571) 272-4205. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P Trimmings/  
Primary Examiner,  
Art Unit 2117

jpt